

PLEASE NOTE: Legislative Information **cannot** perform research, provide legal advice, or interpret Maine law. For legal assistance, please contact a qualified attorney.

Amend the amendment by inserting after the Preamble and before the enacting clause the following:

Emergency preamble. Whereas, acts and resolves of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, this legislation directs the transfer of funds prior to June 30, 2010; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,'

Amend the amendment in Part A in section 1 in the 3rd line (page 1, line 24 in amendment) by striking out the following: "\$69,800,000" and inserting the following: '\$47,800,000'

Amend the amendment in Part A by striking out all of section 6 and inserting the following:

Sec. A-6. Allocations from General Fund bond issue.The proceeds of the sale of the bonds authorized under this Part must be expended as designated in the following schedule.

DEPARTMENT OF TRANSPORTATION

General Fund

	\$24,800,000
Provides funds for state highway reconstruction and paving.	
	\$16,000,000
Provides funds for railroads, including \$7,000,000 to purchase and preserve approximately 240 miles of railroad track in Aroostook County currently owned and operated by the Montreal, Maine and Atlantic Railway, which track upon acquisition by the State must be operated by a rail operator chosen through a competitive process, in consultation with shippers and other stakeholders of the track; \$5,000,000 to purchase a portion of rail line and to make other improvements related to improved freight rail service and preparation for future passenger rail service to Lewiston and Auburn; and \$4,000,000 for repairs and improvements of the portions of the Mountain Division Railroad owned by the State.	
	\$7,000,000
Provides funds for marine-related improvements, including \$6,500,000 for the Ocean Gateway deep water pier and \$500,000 for challenge grants from the Small Harbor Improvement Program.	

Sec. A-7. Allocation from approved bond issue. The \$4,000,000 of the General Fund bond issue authorized by Public Law 2009, chapter 414, Part A, section 6 allocated for railroad purposes and approved by the voters of the State at referendum in November 2009 is specifically allocated to capital rail purposes including the purchase and preservation of railroad tracks in Aroostook County and Penobscot County.'

Amend the amendment in Part A in section 7 in the first line (page 3, line 6 in amendment) by striking the following: "6" and inserting the following: '7'

Amend the amendment in Part A in section 10 by striking out all of the question and inserting the following:

"Do you favor a \$47,800,000 bond issue to create jobs in Maine through improvements to highways, railroads and marine facilities, including port and harbor structures, and specifying the allocation of \$4,000,000 of the transportation bond approved by voters in November 2009 to be used for capital rail purposes?"

Amend the amendment by striking out all of Part B and inserting the following:

PART B

Sec. B-1. Aroostook County rail task force. The Governor shall establish a task force to work with the Department of Transportation and other interested parties to ensure transparency in the abandonment and acquisition processes and to work on operating arrangements regarding the railroad track located in Aroostook County. The task force must include representatives of the public, private and nonprofit sectors, and include members of the Legislature.'

Amend the amendment in Part C in section 1 in section D-1 in the 3rd line (page 6, line 23 in amendment) by striking out the following: "\$38,500,000" and inserting the following: '\$26,500,000'

Amend the amendment in Part C by striking out all of section 2 and inserting the following:

'**Sec. C-2. PL 2009, c. 414, Pt. D, §5,** as amended by PL 2009, c. 571, Pt. PP, §1, is further amended to read:

Sec. D-5. Disbursement of bond proceeds. The proceeds of the bonds must be expended as set out in this Part under the direction and supervision of ~~the Public Utilities Commission,~~ the University of Maine System, the Maine Maritime Academy and the Maine Community College System.

Sec. C-3. PL 2009, c. 414, Pt. D, §6, as amended by PL 2009, c. 571, Pt. PP, §2, is further amended to read:

Sec. D-6. Allocations from General Fund bond issue. The proceeds of the sale of the bonds authorized under this Part must be expended as designated in the following schedule.

PUBLIC UTILITIES COMMISSION

Public Utilities Commission

Provides funds for weatherization and energy efficiency programs for low and middle income households and small businesses. If the energy efficiency programs of the commission are transferred to another entity established by the Legislature, the commission shall transfer all unexpended funds to that entity. \$12,000,000

UNIVERSITY OF MAINE SYSTEM

University of Maine System

Provides funds for energy and infrastructure upgrades at all campuses of the University of Maine System. \$9,500,000

MAINE COMMUNITY COLLEGE SYSTEM

Maine Community College System

Provides funds for energy and infrastructure upgrades at all campuses of the Maine Community College System. \$5,000,000

MAINE MARITIME ACADEMY

Maine Maritime Academy

Provides funds for energy and infrastructure upgrades at the Maine Maritime Academy. \$1,000,000

DEPARTMENT OF ADMINISTRATIVE AND FINANCIAL SERVICES

UNIVERSITY OF MAINE SYSTEM

Maine Marine Wind Energy Demonstration Site Fund

Provides funds for research, development and product innovation associated with developing one or more ocean wind energy demonstration sites. It also provides funding for robotics equipment to accelerate wind energy components manufacturing in the State. The funds will leverage \$24,500,000 in other funds. \$6,000,000 \$11,000,000

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Amend the amendment in Part C in section 3 in section D-10 by striking out all of the question and inserting the following:

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~~"Do you favor a \$33,500,000 bond issue to provide for investments in weatherization and energy efficiency projects; for infrastructure and energy efficiency upgrades at campuses of the University of Maine System, the~~

~~Maine Community College System and the Maine Maritime Academy; and for the creation of a fund to develop one or more ocean wind energy demonstration sites?" "Do you favor a \$26,500,000 bond issue that will create jobs through investment in an off-shore wind energy demonstration site and related manufacturing to advance Maine's energy independence from imported foreign oil, that will leverage \$24,500,000 in federal and other funds and for energy improvements at campuses of the University of Maine System, Maine Community College System and Maine Maritime Academy in order to make facilities more efficient and less costly to operate?"~~

Amend the amendment by striking out all of Part H and inserting the following:

PART H

Sec. H-1. PL 2009, c. 213, Pt. DD, §§2 to 5 are repealed.

Sec. H-2. PL 2009, c. 213, Pt. MMM, §2, as amended by PL 2009, c. 571, Pt. UUU, §1, is further amended to read:

Sec. MMM-2. Transfer; Maine Budget Stabilization Fund. Notwithstanding the Maine Revised Statutes, Title 5, section 1536 or any other provision of law, \$8,279,283\$5,597,244 of the balance in General Fund unappropriated surplus on June 30, 2010 and \$2,488,702 of the balance in General Fund unappropriated surplus on June 30, 2011 must be transferred to the Maine Budget Stabilization Fund no later than June 30, 2011 after all budgeted financial commitments and adjustments considered necessary by the State Controller have been made.

Sec. H-3. PL 2009, c. 571, Pt. CCC, §1 is amended to read:

Sec. CCC-1. Transfer from Other Special Revenue Funds to unappropriated surplus of the General Fund. Notwithstanding any other provision of law, the State Controller shall transfer \$68,200,000\$63,000,000 on June 30, 2010 from Other Special Revenue Funds to the unappropriated surplus of the General Fund. On July 1, 2010, the State Controller shall transfer \$68,200,000\$63,000,000 from the General Fund unappropriated surplus to Other Special Revenue Funds as repayment. This transfer is considered an interfund advance.

Sec. H-4. Transfer from short-term emergency contingency account. The State Controller shall transfer \$5,427,961 from the short-term emergency contingency account established pursuant to Public Law 2009, chapter 571, Part KK to the General Fund unappropriated surplus no later than June 30, 2010.

Sec. H-5. Transfer from unappropriated surplus at close of fiscal year 2009-10 to the Department of Transportation, Railroad Assistance Program, General Fund account. Notwithstanding any other provision of law, at the close of fiscal year 2009-10, the State

Controller shall transfer up to \$7,000,000 from the unappropriated surplus of the General Fund to the Department of Transportation, Railroad Assistance Program, General Fund account after all required deductions of appropriations, budgeted financial commitments and adjustments considered necessary by the State Controller have been made and as the first priority after the transfers required pursuant to the Maine Revised Statutes, Title 5, sections 1507 and 1511 and before the transfer required pursuant to Title 5, section 1536.

Sec. H-6. Transfers considered adjustment to appropriations. Notwithstanding the Maine Revised Statutes, Title 5, section 1585 or any other provision of law, amounts transferred pursuant to this Part are considered adjustments to appropriations in fiscal year 2010-11. These funds may be allotted by financial order upon recommendation of the State Budget Officer and approval of the Governor.

Sec. H-7. Appropriations and allocations. The following appropriations and allocations are made.

TRANSPORTATION, DEPARTMENT OF

Railroad Assistance Program 0350

Initiative: Appropriates funds for the acquisition of track in Aroostook County currently owned and operated by the Montreal, Maine and Atlantic Railway. These funds may not lapse, but must be carried forward to carry out the intent of this appropriation.

GENERAL FUND	2009-10	2010-11
Capital Expenditures	\$0	\$7,000,000
GENERAL FUND TOTAL	\$0	\$7,000,000

TRANSPORTATION, DEPARTMENT OF DEPARTMENT TOTALS	2009-10	2010-11
GENERAL FUND	\$0	\$7,000,000
DEPARTMENT TOTAL - ALL FUNDS	\$0	\$7,000,000

TREASURER OF STATE, OFFICE OF

Debt Service - Treasury 0021

Initiative: Provides funding for debt service in fiscal year 2010-11 to accommodate an additional \$44,300,000 bond authorization.

GENERAL FUND	2009-10	2010-11
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All Other	\$0	\$1,110,000
GENERAL FUND TOTAL	\$0	\$1,110,000

TREASURER OF STATE, OFFICE OF DEPARTMENT TOTALS GENERAL FUND	2009-10 \$0	2010-11 \$1,110,000
DEPARTMENT TOTAL - ALL FUNDS	\$0	\$1,110,000

SECTION TOTALS GENERAL FUND	2009-10 \$0	2010-11 \$8,110,000
SECTION TOTAL - ALL FUNDS	\$0	\$8,110,000

PART I

Sec. I-1. PL 2009, c. 414, Pt. B, §1 is amended to read:

Sec. B-1. Authorization of bonds. The Treasurer of State is authorized, under the direction of the Governor, to issue bonds in the name and on behalf of the State in an amount not exceeding ~~\$25,000,000~~\$23,750,000 for the purposes described in section 6 of this Part. The bonds are a pledge of the full faith and credit of the State. The bonds may not run for a period longer than 10 years from the date of the original issue of the bonds. At the discretion of the Treasurer of State, with the approval of the Governor, any issuance of bonds may contain a call feature.

Sec. I-2. PL 2009, c. 414, Pt. B, §6 is amended to read:

Sec. B-6. Allocations from General Fund bond issue. The proceeds of the sale of the bonds authorized under this Part must be expended as designated in the following schedule.

**MAINE HISTORIC PRESERVATION
COMMISSION**

Establishes a revolving fund for the purpose of
acquiring significant historic properties.

~~\$1,500,000~~ \$1,250,000

**DEPARTMENT OF ECONOMIC AND
COMMUNITY DEVELOPMENT**

Provides funds to make investments under
the Communities for Maine's Future Program
in competitive community and economic
revitalization projects, which must be matched
with at least \$3,500,000.

\$3,500,000

Maine Technology Institute

Provides funds for research and development
and commercialization as prioritized by the
Office of Innovation's current Science and
Technology Action Plan for Maine. The
funds must be allocated to environmental and
renewable energy technology, biomedical
~~and~~ biotechnology, aquaculture and marine
technology, composite materials technology,
advanced technologies for forestry and
agriculture, information technology and
precision manufacturing technology through
a competitive process and must be awarded to
Maine-based public and private institutions and
must be awarded to leverage matching funds of
at least \$3,000,000.

\$3,000,000

Brunswick Naval Air Station Redevelopment

Provides for redevelopment projects at the
Brunswick Naval Air Station, including the
rehabilitation of buildings, federal Americans
with Disabilities Act and fire code compliance
and other site improvements, including
up to \$4,750,000 for the development of a
higher education engineering and economic
development center. These funds will leverage
\$32,500,000 in federal funds.

\$8,000,000

FINANCE AUTHORITY OF MAINE

Provides grants for food processing for fishing,
agricultural, dairy and lumbering industries
within the State.

\$1,000,000

Economic Recovery Loan Program

\$3,000,000

Small Enterprise Growth Fund

Provides funds for disbursements to qualifying
small businesses in the State seeking to pursue
eligible projects.

~~\$5,000,000~~ \$4,000,000

Sec. I-3. PL 2009, c. 414, Pt. B, §10 is amended to read:

Sec. B-10. Referendum for ratification; submission at election; form of question; effective date. This Part must be submitted to the legal voters of the State at a statewide election held in June 2010 following passage of this Act. The municipal officers of this State shall notify the inhabitants of their respective cities, towns and plantations to meet, in the manner prescribed by law for holding a statewide election, to vote on the acceptance or rejection of this Part by voting on the following question:

"Do you favor a ~~\$25,000,000~~\$23,750,000 bond issue to provide capital investment to stimulate economic development and job creation by making investments under the Communities for Maine's Future Program and in historic properties; providing funding for research and development investments awarded through a competitive process; providing funds for disbursements to qualifying small businesses; and providing grants for food processing for fishing, agricultural, dairy and lumbering businesses within the State and redevelopment projects at the Brunswick Naval Air Station that will make the State eligible for over \$39,000,000 in federal and other matching funds?"

The legal voters of each city, town and plantation shall vote by ballot on this question and designate their choice by a cross or check mark placed within a corresponding square below the word "Yes" or "No." The ballots must be received, sorted, counted and declared in open ward, town and plantation meetings and returns made to the Secretary of State in the same manner as votes for members of the Legislature. The Governor shall review the returns. If a majority of the legal votes are cast in favor of this Part, the Governor shall proclaim the result without delay and this Part becomes effective 30 days after the date of the proclamation.

The Secretary of State shall prepare and furnish to each city, town and plantation all ballots, returns and copies of this Part necessary to carry out the purposes of this referendum.

PART J

Sec. J-1. PL 2009, c. 414, Pt. E, §1 is amended to read:

Sec. E-1. Authorization of bonds. The Treasurer of State is authorized, under the direction of the Governor, to issue bonds in the name and on behalf of the State in an amount not exceeding ~~\$10,000,000~~\$9,750,000 for the purposes described in section 6 of this Part. The bonds are a pledge of the full faith and credit of the State. The bonds may not run for a period longer than 10 years from the date of the original issue of the bonds. At the discretion of the Treasurer of State, with the approval of the Governor, any issuance of bonds may contain a call feature.

Sec. J-2. PL 2009, c. 414, Pt. E, §5, sub-§5 is amended to read:

5. Of the bond proceeds allocated to the Land for Maine's Future Board, ~~\$2,000,000~~\$1,750,000 must be made available to protect working waterfront properties in accordance with Public Law 2005, chapter 462, Part B, section 6.

Sec. J-3. PL 2009, c. 414, Pt. E, §6 is amended to read:

Sec. E-6. Allocations from General Fund bond issue. The proceeds of the sale of the bonds authorized under this Part must be expended as designated in the following schedule.

EXECUTIVE DEPARTMENT

State Planning Office

Land for Maine's Future Board

Provides funds in order to leverage \$6,500,000 in other funds to be used for the acquisition of land and interest in land for conservation; water access, wildlife and fish habitat; outdoor recreation, including hunting and fishing; and farmland preservation. \$6,500,000

Provides funds to be used for working farmland preservation in order to leverage \$1,000,000 in other funds. \$1,000,000

Provides funds to be used for working waterfront preservation in order to leverage ~~\$2,000,000~~ \$1,750,000 in other funds. ~~\$2,000,000~~ \$1,750,000

DEPARTMENT OF CONSERVATION

Bureau of Parks and Lands

Provides funds to preserve state parks and properties managed by the Department of Conservation. \$500,000

Sec. J-4. PL 2009, c. 414, Pt. E, §10 is amended to read:

Sec. E-10. Referendum for ratification; submission at election; form of question; effective date. This Part must be submitted to the legal voters of the State at a statewide election held in November 2010 following passage of this Act. The municipal officers of this State shall notify the inhabitants of their respective cities, towns and plantations to meet, in the manner prescribed by law for holding a statewide election, to vote on the acceptance or rejection of this Part by voting on the following question:

"Do you favor a ~~\$10,000,000~~ \$9,750,000 bond issue to invest in land conservation and working waterfront preservation and to preserve state parks to be matched by ~~\$9,500,000~~ \$9,250,000 in federal and other funds?"

The legal voters of each city, town and plantation shall vote by ballot on this question and designate their choice by a cross or check mark placed within a corresponding square below the word "Yes" or "No." The ballots must be received, sorted, counted and declared in open ward, town and plantation meetings and returns made to the Secretary of State in the same manner as votes for members of the Legislature. The Governor shall review the returns. If a majority of the legal votes are cast in favor of this Part, the Governor shall proclaim the result without delay and this Part becomes effective 30 days after the date of the proclamation.

The Secretary of State shall prepare and furnish to each city, town and plantation all ballots, returns and copies of this Part necessary to carry out the purposes of this referendum.

Emergency clause. In view of the emergency cited in the preamble, this legislation takes effect when approved.'

Amend the amendment by relettering or renumbering any nonconsecutive Part letter or section number to read consecutively.

SUMMARY

This amendment amends Committee Amendment "A" to:

1. Add an emergency preamble and emergency clause;
2. Reduce from \$17,000,000 to \$7,000,000 the amount in bonds authorized for the purchase and preservation of railroad track in Aroostook County;
3. Reduce from \$5,000,000 to \$4,000,000 the amount in bonds authorized for the Mountain Division Railroad;
4. Reduce from \$7,000,000 to \$6,500,000 the amount in bonds authorized for the Ocean Gateway deep water pier;
5. Reduce from \$1,000,000 to \$500,000 the amount in bonds authorized for the Small Harbor Improvement Program;
6. Authorize the specific allocation of \$4,000,000 of the transportation bond approved by voters in November 2009 to be used for capital rail purposes;
7. Direct the Governor to establish an Aroostook County rail task force;
8. Eliminate the increases in the amount of the bond request in Public Law 2009, chapter 414, Part C for the Safe Drinking Water Revolving Loan Fund and the Wastewater Treatment Facility State Revolving Loan Fund;
9. Eliminate the allocation in the bond request in Public Law 2009, chapter 414, Part D for weatherization and energy efficiency programs; and
10. Appropriate \$7,000,000 to fund the acquisition of railroad track in Aroostook County; and transfers funds from the Maine Budget Stabilization Fund and the short-term emergency contingency account established pursuant to Public Law 2009, chapter 571, Part KK to partially fund the acquisition. It also reduces the amount of the one-day borrowing from Other Special Revenue Funds authorized in Public Law 2009, chapter 571, Part CCC by \$5,200,000 from \$68,200,000 to \$63,000,000.

FISCAL NOTE REQUIRED

(See attached)